

Remarks

Claims 1-11 are pending. Claims 1, 2, 8 and 11 have been amended to correct informalities.

Information Disclosure Statement

The Examiner's reasons for not considering the Information Disclosure Statement (IDS) filed November 13, 2001 are not clear to Applicant because the IDS appears to be in proper form. A duplicate copy of the IDS with PTO Form SB08A is enclosed. The cited references are U.S. patents that should be available to the Examiner.

Additionally, Applicant filed a Supplemental Information Disclosure Statement on July 2, 2003, and has not yet received an initialed copy of the PTO Form SB08A for that IDS. Applicant respectfully requests the Examiner to consider the Supplemental IDS.

Objections to the Drawings

Applicant traverses the Examiner's assertion that the drawings do not show every element of the claimed invention. Applicant respectfully submits that the drawings do show every element of the claimed invention. Should the Examiner maintain the position that claimed elements are not shown, Applicant requests that the Examiner identify the subject matter believed to be missing from the drawings.

The basis of the Examiner's assertion that the drawings do not show the fabric of claims 1-7 is not apparent to Applicant. Given that the objection refers to "Figures 1-6" and the application includes only four figures (Figs. 1-4), Applicant believes that the Examiner may have mistaken the drawings of another application for those of the present application. Figs. 1-4 show lift plans for weft-stretch fabrics. From these lift plans, persons of skill in the art would readily be able to weave fabrics with known weave constructions.

Figures 3 and 4 have been amended to include the legend "Conventional".

As the drawings are believed to be in proper form, the objections to the drawings should be withdrawn.

Claim Objections

Claim 1 was objected to because "bicomponent" was misspelled. This typographical error has been corrected by the amendment to claim 1. Accordingly, the objection should be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 1-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scherbel in view of Woodward. Applicant traverses the rejection as to all pending claims.

Applicant discusses U.S. Patent No. 3,671,379 to Evans et al. in the specification of the present application. The Examiner incorrectly cited "Scherbel" as U.S. Patent No. 3,671,379 in the PTO-892 form mailed May 22, 2003. However, based on the Examiner's characterization of the reference referred to as "Scherbel" in the 35 U.S.C. §103 rejection, Applicant believes that the Examiner has actually applied U.S. Patent No. 5,922,433 to Scherbel (also discussed in the specification of the present application) in the rejection. Therefore, the following remarks are addressed to the Examiner's apparent combination of U.S. Patent No. 5,922,433 to Scherbel and U.S. Patent No. 2,312,226 to Woodward.

Claims 1 and 8 require a bicomponent filament and a staple yarn woven with warp fibers by pick-and-pick or co-insertion constructions. The claimed woven construction provides a fabric with unexpectedly high recovery power and a reduced amount of elastic fibers.

In order for a claimed invention to be obvious, all of the claim recitations must be taught or suggested by the prior art. The combination of Scherbel and Woodward proposed by the Examiner does not teach or suggest a bicomponent filament and a staple yarn woven with warp fibers by pick-and-pick or co-insertion constructions. Scherbel

teaches a *staple bicomponent yarn*, not a bicomponent filament, being an alternate weft in a knit fabric. The staple fibers of Scherbel provide less stretch recovery than the claimed bicomponent filament. Woodward does not teach pick-and-pick or co-insertion of weft fibers, but rather teaches leno woven fabric, which crosses the warp fibers. Therefore, the proposed combination does not teach or suggest the claimed invention, nor is there any suggestion in the references to attempt the combination proposed by the Examiner.

Conclusion

In view of the above amendments and remarks, each of the presently pending claims in this application is believed to be in immediate condition for allowance.

Enclosed is a petition for a two-month extension of time, along with a check for \$410.00 to cover the fee under 37 CFR 1.17. Should any other fee be due before the Examiner may consider this paper, including a fee for an extension of time, such extension is requested, and the Director is authorized to charge the fee to Deposit Account No. 03-2775 (Connolly Bove Lodge & Hutz LLP –10253-100).

Enclosed also is an Associate Power of Attorney.

Dated: October 3, 2003

Respectfully submitted,

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